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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE and RUSSELL E.
 BURNS, in their respective capacities as
 Trustees of the OPERATING ENGINEERS'
 HEALTH AND WELFARE TRUST FUND, et
 al.,

Plaintiffs,

vs.

GIACALONE ELECTRICAL SERVICES,
 INC., et al.,

Defendants.

Case No.: C12-6178 SI

**STIPULATION AND ~~[PROPOSED]~~
 ORDER] TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

CMC: 8/9/13
 Time: 3:00 pm
 Ctrm: 10 (19th Floor)
 Location: 450 Golden Gate Avenue
 San Francisco, CA
 Judge: Honorable Susan Illston

1 Plaintiffs Operating Engineers' Health and Welfare Trust Fund, et al. and Defendants
 2 Gilroy Construction, Inc. and Giacalone Design Services, Inc. through their respective counsel
 3 hereby stipulate to the following:

4 1. On May 29, 2013, the Court entered default against Defendant Giacalone Electrical
 5 Services, Inc. Docket No. 33.

6 2. On June 14, 2013, the Court extended the deadline for mediation to August 1,
 7 2013, and continued the Case Management Conference to August 9, 2013, pursuant to the parties'
 8 request. Docket No. 37.

9 3. On June 18, 2013, the Court related the instant action to *Pension Plan for Pension*
 10 *Trust Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No.
 11 CV13-2338 ("Withdrawal Liability Action"). Docket No. 38. Defendants Gilroy Construction,
 12 Inc. and Defendant Giacalone Electrical Services, Inc. are also named in the Withdrawal Liability
 13 Action along with seven (7) other defendants.

14 4. The parties in the instant action and the Withdrawal Liability Action seek to reach a
 15 global settlement. Since the Court last granted a continuance the parties have been attempting to
 16 schedule a mediation but there were scheduling conflicts because there are eleven parties involved
 17 in both actions.

18 5. Mediation has been scheduled for **Thursday August 8, 2013**, with the court
 19 appointed mediator James Fleming.

20 6. Plaintiffs and Defendants Gilroy Construction, Inc. and Giacalone Design Services,
 21 Inc. will participate in the mediation. Vincent Giacalone who is named as a defendant in the
 22 Withdrawal Liability Action and owns an interest in many of the corporate defendants named in
 23 both actions will also participate in the mediation. It may be necessary to hold a mediation session
 24 in the Withdrawal Liability Action if the parties do not settle on August 8, 2013, since certain
 25 defendants have not yet been served or appeared in the Withdrawal Liability Action.¹

26 _____
 27 ¹ As the designated agent for service of process, Vincent Giacalone has not returned an executed Waiver of the
 28 Service of Summons for Giacalone Electrical Services, Inc. and Giacalone Mgmt, LLC as requested. Service has been
 effectuated on the remaining defendants in the Withdrawal Liability Action i.e. Gilroy Construction, Inc., VLG2,
 LLC, Luchessa Road, LLC, Ronan Avenue Investors, LLC, Crow Court, LLC, and Vincent and Lisa Giacalone.

7. Holding one Case Management Conference in both actions will result in judicial economy and minimize attorneys' fees and costs for the parties. Further, counsel for Defendant Giacalone Design Services, Inc. will be out of the country on August 9, 2013.

8. Based on the foregoing, the parties hereby stipulate to and request to continue the Case Management Conference to coincide with the Case Management Conference scheduled in the Withdrawal Liability Action on August 30, 2013, at 2:30 pm. Withdrawal Liability Action Docket No. 10.

Date: July 23, 2013

SALTZMAN & JOHNSON LAW CORPORATION

By: _____/s/
Shaamini A. Babu
Attorneys for Plaintiffs

Dated: July 23, 2013

SWEENEY, MASON, WILSON & BOSOMWORTH

By: _____/s/
Roger M. Mason
Kristen Green
Attorneys for Defendant Gilroy Construction, Inc.

Dated: July 23, 2013

CHARLEY M. STOLL, A PROFESSIONAL CORPORATION

By: _____/s/
Charley M. Stoll
Attorneys for Defendant Giacalone Design Services, Inc.

ORDER

IT IS SO ORDERED.

Based on the foregoing, and good cause appearing, the Case Management Conference is continued to ~~August 30, 2013~~ SEPTEMBER 6, 2013, at 2:30 p.m.

Date: 7/25/13



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE